TL1426

Comité de Travail Canada-Asie

Canada-Asia Working Group

HUMAN RIGHTS IN ASIA

SUBMISSION PREPARED FOR THE 46TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Geneva, February 1990

ISN-0820-3296

CURRENTS Vol. 12, Nos. 1 and 2
February 199(

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EAST TIMOR

Background to the Current Human Rights Situation
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Torture and Ill-Treatment of Prisoners
Extra-Judicial Executions and Forced Disappearances
Restrictions on Freedom of Movement, Speech and Association
Violations of Collective Rights
Conclusion and Recommendations

Background to the Current Human Rights Situation

Since Indonesian troops invaded the territory in December 1975, one third of the population of East Timor, or about 200,000 people, have died as a result of killings, bombings and famine brought on by the war. [1] Various U.N. bodies, including the General Assembly, have affirmed the right of the East Timorese to a free and fair act of self-determination and have appealed repeatedly for Indonesia to withdraw its occupation forces. Indonesia has consistently ignored international law and the appeals of the international community and, in July 1976, illegally annexed East Timor. An armed resistance has been carried on since 1975. [2]

Though Indonesia's pervasive security apparatus has effectively sealed off East Timor's borders since 1975, extensive documentation on continuing human rights abuses in the territory have been received regularly through three principal sources: the Roman Catholic Church in East Timor (which remains the primary social institution in the territory), refugee reports, and documents produced by the active and clandestine resistance in East Timor. Where it has been possible to verify information, it has proved to be generally reliable. The reports which have filtered to the outside world are believed to represent only a fraction of the actual abuse to have occurred in East Timor.

That human rights abuses in East Timor are by no means over is illustrated by the sharp increase in arrests and executions since April 1989, the crack-down on protesters during the visit of Pope John Paul II in October 1989, and the increase in military operations in the territory since November of 1988. [3] Intelligence operations in the territory have been particularly aggressive against the Catholic Church, as the East Timor Catholic Church and its bishop comprise the only embassy of the outside world in East Timor and the only entity which can still speak without risking torture and death by Indonesian security forces. [4]

Mgr. Carlos Ximenes Belo, Apostolic Administrator of the Diocese of Dili, has been under particularly tight surveillance and harassment by Indonesian authorities since he wrote to the Secretary General of the United Nations and to the President of Portugal in February 1989, calling for a referendum under U.N. auspices to be held in the territory. [5]

Indonesian officially declared the territory "open" to tourism and commerce in January 1989. In practice, this "opening" has applied only to the zones around Dili and the western region of East Timor and has brought little or no change in the pervasive military structure that continues to dominate life in East Timor. Significant restrictions on access to and travel within the territory remain, postal and telephone communications continue to be monitored, fundamental freedoms of assembly and association are still forbidden and international human rights organizations are still not able to visit the territory. [6]

Arbitrary Arrest and Detention

Mass arrests by Indonesian security forces in preparation for President Suharto's visit in November 1988 were by Indonesia's own admission "only" a few hundred, but other reports indicate they may have been in the thousands. [7] Though most apparently were released after questioning, some were "struck, beaten, and tortured." [8] The next wave of arrests took place in April, May and June 1989. In a letter to Gen. Try Setrisno, commander-in-chief of the Indonesian armed forces in East Timor, the Institute for the Defense of Human Rights in Jakarta said it had been informed that "... *at the beginning, in the middle and at the end of May, hundreds of people had been arrested and there had even been executions of people without trial.*" They were detained on suspicion of having supported Bishop Belo's letter to the United Nations.

The arrests took place in Dili, Baucau, Venilale, Manatuto, Ainaro, and several other places. The fact that so many people have been arrested in outlying areas is a particular cause for concern. The International Committee of the Red Cross has no access to prisons outside of Dili and Jakarta. In the 13 districts in East Timor, there are prison facilities in each of the military levels of command.

Organizations such as Amnesty International have repeatedly expressed concern about the well-being of prisoners held incommunicado in various military detention centres in East Timor. These prisoners may be held for months and even years without formally being charged. One of these detention facilities in Dili is the former home of Joaquim BABU. Another notorious centre used by the Indonesian military for interrogation and torture is the Hotel Flamboyon in Baucau. [9]

A total of 25 East Timorese suspected of having links with the resistance movement are acknowledged by the Indonesian authorities to be in detention. Eleven are held in Jakarta, and therefore effectively denied regular access to family and friends. One of these prisoners is reported to be seriously ill.

Observers from international organizations are still not able to observe the trials of those held on political charges, or to review trial documents. [10] International human rights organizations are still not able to determine the well-being or whereabouts of 40 youth arrested after a pro-independence demonstration that took place during the Papal visit on 13 October 1989. [11]

Torture and Ill-Treatment of Prisoners

There has been a consistent and recurrent pattern of torture of detainees in East Timor by the Indonesian armed forces since 1975. The forms of torture reported include beating and kicking, burning with lighted cigarettes, electric shock, submersion in a tank of water, immersion in boiling water, threatening a prisoner with the bite of a large alligator-like lizard and, in the case of women, sexual abuse. [12] In a pastoral note dated 5 December 1988, and which reached the West in January 1989, Bishop Belo claimed that the torture of detainees "... *has become normal in Timor*." He denounced the practice as "barbaric" and condemned Indonesian efforts to deny human rights abuses as "lying propaganda." [13]

This statement was followed by another on 16 April 1989 addressed to the Papal Nuncio in Jakarta. Again referring to arbitrary arrests, torture and summary executions, Belo stated:

> "Since 1983, the year in which I was nominated as Apostolic Administrator, we have witnessed these selfsame abuses every year. We always speak to the authorities but the result is always the same. It is the people who suffer. ... In Timor we live under the psychological pressure of the Dictatorship."

Amnesty International has received at least 20 reports of torture in connection with the October 1988 arrests. Amongst them are three men who have been suspected of compiling information about human rights abuses in the territory and smuggling them to the outside world: Filomeno GOMES, age 40; Lazaro RIBEIRO, age 26; and Jaime dos SANTOS, age 41.

In testimony presented to the U.N. Sub-Commission in August 1989, Antonio Maria de ARAUJO, a trained nurse, reported that he had been repeatedly subjected to torture, including the application of electric shock by a doctor of the red-berets paras brigade. Araujo asserted that

> "... the methods of physical and moral torture which I witnessed [while in prison] were indescribable. The torturers competed with each other in their zeal to inflict torture...these scenes will be engraved in my memory and those of my fellow citizens forever." [14]

The Lisbon-based church group Peace is Possible in East Timor (PPET) has compiled a list of 77 persons tortured and 34 executed in 1988. Though it is feared that many more Timorese may have been tortured and even executed as a result of the spring 1989 arrests, reports for 1989 so far indicate that 13 persons have been tortured and some 46 executed.

The torture of captured guerillas from the National Resistance Movement is also commonplace. They are reportedly often tortured in hospitals under the supervision of Indonesian doctors. It is also often reported that officers of the *Korim* or district levels of command in East Timor take prisoners home with them, lock them up and torture them. [15]

Extra-Judicial Execution and Forced Disappearances

On the basis of the numbers of civilians killed and disappeared by the Indonesian armed forces since 1975, relative to the size of the population, the experience of East Timor may be justly compared with the worst mass atrocities of the modern era. Reliable sources have documented mass killings of civilians, including women and children, in the course of several of the periodic large scale military sweeps of the island. In some instances, whole communities of Timorese appear to have been wiped out as in the case of the village of Kraras in August, 1983. [16] During 1989 the practice of extra-judicial killings and forced disappearances by the authorities have continued to occur on a regular basis.

During 1989, PPET (Lisbon) documented cases of 46 executions. Most of these cases occurred following the wave of arrests in April, May and June 1989. Among the dead are:

- Norberto FREITAS, age 16, a student, executed on 14 January 1989 in Samalari;
- Josafina FACUNDO, raped and executed on 29 January 1989 by Battalion 144 in Poros;
- Geraldo, age 20, a student, executed on 19 June 1989 in Ossu Cima;
- Francisco SOUSA, age 26, executed on 8 June 1989 in Kaibada;
- Paulo FREITAS, executed on 8 June 1989 in Dili;
- Alfedo OLIVEIRA, age 23, executed on 10 June 1989 by Battalion 744 in Ainaro.

Twenty people were reportedly shot dead between 12-15 March 1989 by troops under the command of Colonel Prabowo, son-in-law of President Suharto. The killings took place in BereColi, Baucau. The victims were accused of having had contact with FALINTIL. In another incident, Bishop Belo reported the public execution of two young men, Carlos Mendes da SILVA, age 22, and Luis da CRUZ, age 20, by Battalion 726 in Laclutar on 31 October 1989. The execution reportedly took place before fifteen witnesses. Following the killings, Belo maintained, a local resident was ordered to announce that the killings had been carried out by FALINTIL, the armed wing of the national resistance movement. [17]

The families of several other Timorese fear that their relatives may have "disappeared". The following cases may serve to illustrate the typical victims and circumstances of this phenomenon:

- Elias Pereira MONIZ, a Timorese student studying in Bali was arrested on 14 June 1989 by military intelligence officers and has not been seen since;
- Victor da SILVA, age 20, a policeman, was arrested on 14 November 1989 on suspicion of distributing pamphlets critical of the Indonesian government, and has not been seen since;
- Manuel Fatima GUTERRES, age 42, taken from his home by four military officers on 25 May 1989, was suspected of having links with the resistance movement;
- Hermio da SILVA da COSTA, who worked in the office of the Governor of East Timor, was arrested May 24, 1989 and is missing. He is suspected of having passed one of Bishop Belo's letters to an outsider. [18]

Restrictions on Freedom of Movement, Speech and Association

The fundamental freedoms of movement, speech and association are severely restricted in East Timor. The Timorese population, once scattered throughout the countryside in small hamlets, are forced to live in resettlement camps controlled by the Indonesian military under conditions that reportedly include forced labour and confinement to a fixed perimeter around the camp. Mail is censored and telephone calls outside the country are prohibited or tapped. Use of the indigenous languages is suppressed and forbidden in schools. In the crackdown by security forces after the demonstration during the Papal visit, Bishop Belo's telephone line was cut. No written information on the human rights situation in the territory has emerged since the Papal visit of October 1989. [19]

Though the Surat Jalan, the travel permit that was required for travel between villages, has been abolished, it has been effectively replaced by the new KTP or obligatory identity card. Those in resettlement camps are still confined within the narrow boundaries of the camp. [20]

The official "opening up" of 8 of the 13 districts in East Timor has meant no real change in conditions for the Timorese who live in constant fear and apprehension. In practice, their movements are still controlled by a pervasive security apparatus extending from Jakarta. [21]

Violations of Collective Rights

The fact that the Indonesian government has repeatedly ordered its armed forces to perform massive and extreme acts of violence towards the people of East Timor, so as to threaten their very ability to continue to exist as a people, ought to bring the matter under the consideration of the U.N. Convention on the Prevention and Punishment of the Crime of Genocide. However, Indonesia is not a signatory to the Convention.

Genocide is mainly a crime of governments. Under the present Convention, genocide is understood as

> *"... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such;*
> *(a) Killing members of the group;*
> *(b) Causing serious bodily or mental harm to member of the group;*
> *(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
> *(d) Imposing measures intended to prevent births within the group;*
> *(e) Forcibly transferring children of the group to another group."*

All of the acts specified above apply in the case of East Timor. The killings of large numbers of people, the terrorizing of whole communities, the displacement of the Timorese from their traditional lands causing much misery and death by disease and starvation, the forced birth control program including the widespread use of depro-provera, and the transferring of children, such as the children from Ailieu who were put in orphanages in Jakarta after the killing of their parents by Indonesian troops, provide concrete examples of Indonesia's systematic repression of the Timorese people, now in effect for almost a generation.

In anthropological terms, East Timor is an extremely diverse environment. Some 30 distinct ethno-linguistic groups inhabited the country in 1975. Some of these people are believed to have been wiped out entirely as a result of the Indonesian occupation. Indonesian linguist Lukman Hakim recently expressed alarm at the fact that the Makua language in East Timor is now spoken by less than 50 people. [22]

Many Timorese fear that the banning of their religious and cultural rites will mean the disappearance of deeply cherished shared values and a heritage that is thousands of years old. Tetum, the common language in East Timor, is forbidden in the schools, and Timorese children are obliged to learn Indonesian values and history. [23]

The program of the 'Indonesianisation' of East Timor is directed towards the exclusion of the Timorese from anything but a cosmetic and subservient role in economic and political life. Indonesians in the territory control most public institutions and commercial enterprises. Indonesian children are favoured for entrance into secondary school. [24] More than a thousand Indonesian immigrants are reportedly landing each month, while the condition of the Timorese deteriorates. Mario Carrascalao, Governor of East Timor, told a U.S. House of Representatives delegation that visited East Timor in July 1989, that 70% of the population are infected with tuberculosis. Even the Indonesian bureau of statistics says the rate of child malnutrition is highest in East Timor.(25)

The plea of Bishop Belo to the Secretary General of the United Nations on 6 February 1989 for an early enactment of a referendum on the status of East Timor, contains a serious and ominous warning. He observes that under Indonesian rule, "*... we continue to die as a people and as a nation.*" It is not idle speculation to assert that if the occupation is allowed to continue indefinitely, the Timorese will become an oppressed minority in their own land and that many distinct and irreplaceable human societies will be lost forever.

Conclusion and Recommendations

Gross and systematic violations of human rights and actions taken against the civilian population amounting to genocide have been a constant feature of the military occupation of East Timor since the Indonesian invasion of 1975. Although various U.N. bodies have appealed repeatedly to Indonesia to withdraw its forces, the occupation continues and the right of the Timorese people to a free and fair act of self-determination continues to be denied.

Human rights violations appear to have increased during 1989 in comparison with 1988, and have included arbitrary arrest and detentions, extra-judicial executions, torture, rape and forced disappearances. The military campaign against the Timorese resistance continues and East Timorese suspected of supporting the resistance have been brutally treated. Large numbers of Timorese continue to be restricted to strategic hamlets and many trying to return home have been killed.

While a policy of official 'openness' is in effect for some areas of East Timor, this has had no ameliorating influence on the harshness of Indonesian military rule, which still controls all aspects of daily life. Nor has the 'normalization of access' actually made the territory more accessible to international human rights groups, which continue to be barred from making independent investigations in the territory. Fourteen years of quiet diplomacy by the international community appear to have had little effect in altering Indonesian policy or practice with respect to East Timor. Indonesia's continued restrictions on access to East Timor by independent human rights observers, together with its strict efforts to control the freedom of expression of residents of East Timor, severely compromise the right to promote human rights in the territory. This was illustrated by the Indonesian government's refusal to permit H.C. PRINCEN, chair of the Jakarta-based Institute for the Defense of Human Rights, to travel to Geneva to present testimony to the U.N. Sub-Commission in August 1989. [26]

The question of independent access is central to the issue of human rights in East Timor, and it makes unavoidable the general issues related to the role played by Indonesia in the territory. International concern for East Timor has customarily been addressed by the U.N. Special Committee on Decolonization, which is preoccupied with the continued denial of the Timorese people's right to self-determination by the Indonesian occupation. The issue of self-determination, however, can no longer be separated from the broader human rights concerns present in East Timor. This fact was made evident during 1989 by Mgr. Carlos Ximenes Belo in his correspondence with the Secretary-General of the U.N. and others. On 31 August 1989 the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities recognized this in adopting a resolution which takes note of Bishop Belo's letter, and draws attention to the fact "... *that more arrests, torture and summary executions are alleged to have taken place since the end of 1988*", and calls upon the Indonesian government "... *to allow representatives of human rights organizations to visit the territory.*"

In recent years many countries, including Canada, have found it expedient for political and commercial reasons to defer to Indonesia's occupation of East Timor, accepting the purported integration as a *fait accompli*. This "*morally indefensible but practically unassailable*" position has also required, for the most part, a hypocritical betrayal of the wide spectrum of human rights concerns in East Timor. [27] Lack of meaningful progress after years of quiet diplomacy suggest that more public, determined efforts by the international community to protect and promote human rights in East Timor are called for, and the U.N. Sub-Commission's recommendation that the 46th session of the Commission on Human Rights consider the issue provides an important and timely opportunity.

We recommend that the Canadian government:

1. help apply international pressure on the Indonesian authorities to give free and unrestricted access to international relief and independent human rights agencies to work in East Timor, particularly the International Committee of the Red Cross and Amnesty International;

2. under agenda Item 25 of the 46th session of the U.N. Commission on Human Rights, express its concern about restrictions on the right and responsibility to promote human rights, with specific reference to the situation in East Timor;

3. encourage the Secretary-General of the U.N. to include representatives of the East Timorese people, including the Nationalist Convergence, in talks held under his auspices in accordance with U.N. resolution GA 37/30 (1982);

4. call for a withdrawal of Indonesian occupation forces from East Timor and demonstrate support for the right of the people of East Timor to a free and fair act of self-determination, as affirmed by repeated U.N. resolutions; and

5. support efforts to reinstate Indonesia on the list of countries being investigated under Confidential Procedure 1503 of the U.N. Commission on Human Rights, as one exhibiting a consistent pattern of gross and systematic violations of human rights.

Notes

[1] Amnesty International, *East Timor: Violations of Human Rights 1975-1984*.

[2] U.N. General Assembly Resolution 3485 XXX (1975) has been re-affirmed seven times, most recently in GA 37/30 (1982) which remains currently in force.

[3] TAPOL: The Indonesia Human Rights Campaign, *TAPOL Bulletin #94* (August 1989).

[4] Catholic Institute of International Relations (CIIR), *Timor Link* (October 1989).

[5] *Ibid.* In a telephone interview in mid-1989, Mgr. Belo reported that all his in-coming and out-going mail was being intercepted and/or confiscated. "We are in a cage", he is quoted to have said. It is also reported that those who have expressed support for Mgr. Belo's statement have been detained and interrogated.

[6] Amnesty International, *Statement to the U.N. Special Committee on Decolonization (ASA 21/11/89)* (August 1989).

In December 1988, Indonesian Foreign Minister Alatas declared that access to East Timor would be normalized as of January 1989, except for groups and individuals considered by the authorities to be "biased". A variety of international human rights organizations have applied for permission to enter the territory but all have been denied free access to this point. Journalists who have been granted entry report that they have been accompanied by Indonesian security officers, who in some cases photographed persons interviewed.

[7] *Ibid.*

[8] Asia Watch, *Statement to the U.N. Special Committee on Decolonization* (August 1989).

[9] Amnesty International, *Statement to the U.N. Special Committee on Decolonization* (August 1989).

[10] *Ibid.*

[11] *New York Times* (October 1989); Amnesty International, *ASA 21/13/89.*

[12] Amnesty International, *Statement to the U.N. Special Committee on Decolonization* (August 1989).

[13] CIIR, *Timor Link* (October 1989).

[14] *TAPOL Bulletin #95* (October 1989).

[15] Commission for the Rights of the Maubere People, Lisbon (December 1989).

[16] Amnesty International, *East Timor: Violations of Human Rights, 1975-84* (ASA 21/16/85).

(17) *TAPOL Bulletin #94* (August 1989).

FALINTIL, Forcas Armadas de Libetacao Nacional de Timor Leste or National Resistance Movement.

[18] Amnesty International, *Statement to the U.N. Special Committee on Decolonization* (August 1989); *ASA 21/05/89.*

[19] *East Timor News* (Lisbon), "Urgent Communique on the Pope's Visit" (November 1989).

[20] TAPOL, *Statement to the U.N. Special Committee on Decolonization* (August 1989).

[21] Ron Nordland, "Visiting a Forgotten War", *Newsweek* (October 1989).

[22] *International Herald Tribune* (20 October 1989).

[23] TAPOL, "East Timor, the Inside Story", *Bulletin #95* (October 1989).

[24] *Ibid.* After 14 years of occupation, East Timor has become structurally and functionally integrated into the institutional and commercial interests of the Indonesian military. According to a report in the *Far Eastern Economic Review* (16 November 1989), "*... active service in the east Timor campaign has long been a path to more rapid promotion in the Indonesian army. 'What we learn in the military academy is fine as theory,' said one officer, 'but what we learn here is the real thing.' Part of the real thing has been control of the territory's lucrative coffee production. For instance, PT Denok, an army-run company has long had a virtual monopoly over Timor's high quality Arabica coffee.*"

[25] Free East Timor Coalition (Japan), *Statement to the U.N. Special Committee on Decolonization* (August 1989).

[26] Princen has written on several occasions during 1989 to Gen. Try Sutrisno, commander-in-chief of the Indonesian armed forces, to raise concerns about human rights violations. One of these letters included a list of 26 persons killed by the military in East Timor between January and August 1989, apparently victims of extra-judicial execution. Gen. Sutrisno has not responded to the letters, although Princen has been interrogated for his expression of cencern. TAPOL, *Bulletin #96* (December 1989).

[27] Editorial Statement, *The Gazette* (Montréal, 16 October 1989). Canada's policy has been to regard the manner of Indonesia's occupation of East Timor as regrettable, but to accept the integration of the territory as a *fait accompli.* Canada abstained in initial votes on the U.N. resolutions which have called for withdrawal of Indonesian forces and respect for the rights of the people of East Timor; since 1980 Canada has voted against these resolutions.

Letter from Mgr. C.X. Belo

I am taking the liberty of writing to your Excellency to draw to your attention the fact that the process of decolonization of Portugese Timor has still not been resolved by the United Nations, and it is important that this should not be forgotten. For our part, we, the people of East Timor, think that we must be consulted on the future of our land. That is why I am writing, as a leader of the Catholic church, and as a citizen of Timor, to ask you, as secretary General, to start in Timor the most normal and democratic process of decolonization, i.e. the holding of a referendum. The people of Timor must be allowed to express their views on the future through a plebiscite. Hitherto the people have not been consulted. Others speak in the name of the people. Indonesia says that the people of Timor Timur have already chosen integration, but the people of Timor themselves have never said this. Portugal wants to let time solve the problem. And we continue to die as a people and as a nation.

to U.N. Secretary General
Pérez de Cuellar
6 February 1989